

AMENDED IN SENATE JUNE 25, 2009

AMENDED IN SENATE JUNE 9, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1440

Introduced by Assembly Member Swanson

February 27, 2009

An act to add Section 14313 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1440, as amended, Swanson. Elections: provisional ballots.

Existing law requires that a provisional ballot be issued to a voter claiming to be properly registered but whose qualification or entitlement to vote cannot be immediately established upon examination of the index of registration or records on file with the county elections official.

This bill would require a county elections official to issue a provisional ballot, *including any materials necessary to process the ballot*, to specified persons responding to an emergency declared by the Governor. The bill would require the county elections official to transmit the ballot to the county where the voter is registered and would specify requirements for the ballot to be counted *and the ballot materials to be preserved*.

Because the bill would increase duties of local elections officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14313 is added to the Elections Code, to
2 read:

3 14313. (a) Upon the declaration of a state of emergency by
4 the Governor, elections officials in the counties included in the
5 executive order shall, upon demand, issue to any person who is a
6 public safety worker, emergency services worker, or other person
7 officially engaged in responding to the declared emergency, a
8 provisional ballot that may be identical to the provisional ballot
9 offered to other voters in the county, ~~permitting that person to vote~~
10 ~~on all statewide measures and candidates for statewide office~~
11 ~~appearing on the election ballot~~ using a process to be determined
12 by the elections official. The elections official shall transmit for
13 processing any ballot cast, *including any materials necessary to*
14 *process the ballot*, pursuant to this section to the elections official
15 in the county where the voter is registered to vote.

16 (b) To be counted, a ballot cast pursuant to this section shall
17 satisfy both of the following requirements:

18 (1) Be cast by the voter no later than the close of the polls on
19 election day.

20 (2) Be received by the county elections official where the voter
21 is registered on or before the 10th day following the date of the
22 election.

23 (3) *Upon receipt of the returned ballot, the elections official*
24 *shall process the ballot pursuant to the procedures in subdivision*
25 *(c) of Section 14310.*

26 (c) *If the requirements in paragraphs (1), (2), and (3) of*
27 *subdivision (b) are met and the ballot is eligible to be counted, the*
28 *ballot shall be duplicated and all other materials preserved*
29 *according to the procedures set forth in this code.*

30 SEC. 2. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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